

<b>UNITED STATES DISTRICT COURT</b>		District Northern District of Texas Dallas Division
Name of Movant Ronald C. Pearson	Prisoner No.	Case No. 3:06-CR-369-R
Place of Confinement Seagoville, F.C.I., Seagoville, Texas		

UNITED STATES OF AMERICA

V.

Ronald C. Pearson  
(name under which convicted)

ORIGINAL

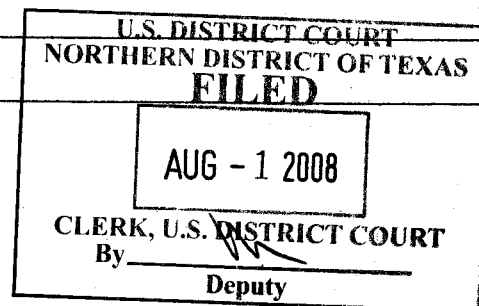
## MOTION

- Name and location of court which entered the judgment of conviction under attack United States District Court, Northern District of Texas, Dallas Division
- Date of judgment of conviction December 20, 2007
- Length of sentence 70 Months
- Nature of offense involved (all counts) 18 U.S.C. § 2252(a)(2) Receipt of Child Pornography Through Interstate and Foreign Commerce.

5. What was your plea? (Check one)

(a) Not guilty ☐  
 (b) Guilty ☒  
 (c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:



6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury ☐ N/A  
 (b) Judge only ☐

7. Did you testify at the trial?

Yes ☐ No ☐ N/A

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

9. If you did appeal, answer the following:

(a) Name of court \_\_\_\_\_ N/A \_\_\_\_\_

(b) Result \_\_\_\_\_

(c) Date of result \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court \_\_\_\_\_ N/A \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_  
\_\_\_\_\_

(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result \_\_\_\_\_ N/A \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(b) As to any second petition, application or motion give the same information:

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_ N/A \_\_\_\_\_  
\_\_\_\_\_

(3) Grounds raised \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐

(2) Second petition, etc. Yes ☐ No ☐

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

My lawyer flatly refused my specific request to file

a direct appeal.

12. State *concisely* every ground on which you claim that you are being held in violation of the constitution, laws or treaties of the United States. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting the same.

Caution: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

(a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.

(b) Conviction obtained by use of coerced confession.

- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: Denial of right of Appeal

Supporting FACTS (state *briefly* without citing cases or law)

Right after court on the day of my sentencing, I told my  
attorney specifically that I wanted to file an appeal and that I  
wanted him to file a Notice of Appeal. He told me that I had no right  
to file any attack on my conviction or sentence whatever and that he  
would not file any papers on my behalf.

B. Ground two: Ineffective assistance of counsel prior to plea, at plea  
and at sentencing.

Supporting FACTS (state *briefly* without citing cases or law)

See p. 5(a)

C. Ground three: \_\_\_\_\_

Supporting FACTS (state *briefly* without citing cases or law)

Counsel Randy Taylor failed to investigate the facts and circumstances of my case. He failed to interview requested witnesses for testimony at my final sentencing hearing before the Hon. Reed O'Connor. Counsel suffered several memory lapses which resulted in his twice failure to appear with me at scheduled polygraph exams which negatively impacted the prosecutor's evaluation of my credibility, degree of substantial assistance, and acceptance of responsibility.

He failed to lodge proper in-court objections to the length of my sentence and also to the imposition of an unwarranted and unreasonable term of lifetime supervision not justified by the 3553(a) factors.

Counsel Taylor gave me conflicting advice on different occasions regarding the status of my case and its outcome. He refused to share discovery materials with me.

He also, at times, seemed to be unaware of who I was, could not recall the names of either Mr. Yanowitch or Mr. Hudson. His behavior was erratic, especially first promising to produce requested witnesses at my second sentencing hearing and then abruptly reneging on that commitment. His angry refusal to file the necessary Notice of Appeal after my request also seemed incomprehensible as I believed that the fee paid to him included that filing.

D. Ground four: \_\_\_\_\_ N/A

Supporting FACTS (state *briefly* without citing cases or law) \_\_\_\_\_

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: \_\_\_\_\_

My lawyer refused to file a Notice of Appeal on my behalf  
despite my request.

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes ☐ No ☒ X

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing \_\_\_\_\_ N/A

(b) At arraignment and plea \_\_\_\_\_ Randy Taylor, 1885 F.M. 514

Yantis, TX 75497 Phone 903-383-3357

(c) At trial \_\_\_\_\_ N/A

(d) At sentencing \_\_\_\_\_ Randy Taylor

(e) On appeal \_\_\_\_\_ N/A \_\_\_\_\_

(f) In any post-conviction proceeding \_\_\_\_\_ N/A \_\_\_\_\_

(g) On appeal from any adverse ruling in a post-conviction proceeding \_\_\_\_\_

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☐

Wherefore, movant prays that the Court grant petitioner relief to which he or she may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

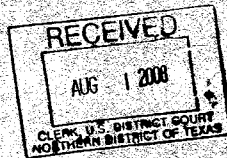
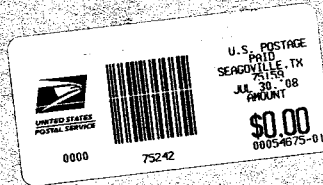
July 29, 2008  
(Date)

Ronald C. Pearson

Signature of Movant  
Ronald C. Pearson



RONALD C. PEARSON  
Reg. No. 36037-177  
FEDERAL CORRECTIONAL INSTITUTION  
P.O. Box 9000  
SEAGOVILLE, TX 75159-9000



CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION  
EARLE CABELL FEDERAL BLDG  
1100 COMMERCE STREET  
DALLAS, TX 75242

MOTION UNDER 28 USC 2255  
AND MEMORANDUM OF LAW  
IN SUPPORT AND EXHIBIT A (3 copies)

